

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

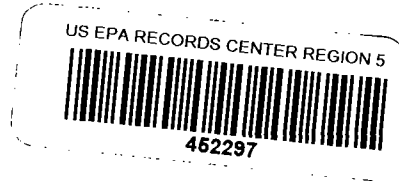
MEMORANDUM

SUBJECT: Gary Development

TO: Mary Fulghum, ORC
Fred Micke, RRB
Joe Kawecki, RPU

FROM: John Tielsch, ORC

DATE: January 7, 1992



Joe Kawecki and I reviewed the Gary Development documents this morning. We also looked at the RCRA compliance file. I also spoke with Mark Radell, the ORC attorney handling the 1986 RCRA complaint vs Gary Development.

According to Mark we are currently in litigation with Gary Development regarding their lack of interim status. Our order, among other things, requires them to close. Mark says they are awaiting the Judge's decision. He is not certain what the extent of the closure requirements to be imposed will be. It is possible that the Judge will order full RCRA closure. Gary Development is pleading poverty. Mark recommends we proceed with the NPL listing procedure in the event full closure is not obtained under RCRA.

I suggest we report to the litigation screening committee that this site is already in litigation but may require further action under CERCLA. Radell has a completely developed liability file pertaining to the three generators who sent hazardous waste to the site. I therefore further suggest that no additional investigation is needed at this time.

Comments?